IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 47 OF 2003

Shri Narayan s/o Namdeo Yadav & Ors.] .. Petitioners

Versus

The Municipal Corporation of the City of Nashik & ors.] .. Respondents

Mr. P.G. Godhamgaokar with Mr. N. Waghela for the petitioners.

Mr. V.A. Gangal for the respondent No.1.

CORAM: R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED: 08TH FEBRUARY, 2006

P.C. :

. We heard Mr. P.G. Godhamgaokar, the learned counsel for the petitioners and Mr. V.A. Gangal, the learned counsel for the respondent No.1. We perused the Compliance Report submitted by National Environmental Engineering Research Institute (NEERI) on 23rd August, 2005 pursuant to the order of this Court. It appears from the Compliance Report submitted by NEERI that the NEERI team visited the compost plant site at Pathard, Shivar, Nashik on August 8, 2005. Based on their

inspection, status of the compliance has been reported thus:

Status of Compliance on the Recommendations by NEERI for Compost Plant at Nashik, Maharashtra State.

Sr. No.	General Recommendations by NEERI (visit on 02.10.2004)	Compliance status as on 08-08-2005
1.	Provision of trenches around existing sanitary landfill site for leachate collection needs to be made.	Not complied
2.	Segregation of biodegradables, recyclables, inerts and hazar--dous and solid waste as per MSWM (M&H) Rules 2000, to be practiced to reduce input for composting vis a vis increase in biodegradable component of the input.	Partially complied. One trommel screen having 75 mm size holes was procured and installed in prefermentation storage yard which separates biogreda--bles from large quantity of rejects (**Annexure I**). The rejects are diverted for landfilling.
3.	Habitation should not be developed within the existing buffer zone.	No habitation was found within the existing buffer zone
4.	More tree plantation for minimization of air pollution should be done	Additional trees have been planted around landfill which are reported to be around 5000 (**Annexure II**)
5.	Leachate collection and treat--ment at compost plant be followed.	Partly complied as collection of leachate in sump well is only done. No leachate treatment plant was installed on site.
6.	Proper masks, gumboots and	Complied

	handgloves to workers and medical check up need to be provided.	
7.	Water quality in and surrounding landfill site to be monitored periodically	As per Maharashtra Pollution Control Board (MPCB) directives, NMC has monitored the water quality through approved agency i.e. Mahabal Enviro Engineers Pvt. Ltd. and statement to this effect is enclosed (**Annexure III**). The water has high total and faecal coliforms counts indicating that it is not suitable for drinking purposes.
8.	Odour/smell/flies need be minimized.	Not complied. Odour still persists at the compost plant site.
9.	Windrows should be adequately covered by constructing sheds and/or with soil/rejects of 1"-2" size.	Not complied (Exhibit as **Annexure IV**)
10.	The compost as well as the large quantity of rejects should be analysed for presence of organic contents. Laboratory facilities and infrastructure should be strengthened at compost plant.	Not complied
11.	Samples should be collected from prefermentation stack and analysed periodically at various depths of waste stack.	Not complied.
12.	Leachate sample collection should be done periodically and analysed. The treatment of the leachates should be carried out before it is discharged to the public sewer lines.	Partly complied. The NMC had analysed the leachate samples through MPCB approved private lab. & results indicate leachate has very high BOD(23500 mg/l), COD(36903 mg/l) and TDS(25518 mg/l) requiring treatment

		before disposal in sewer line (Analysis report as **Annexure V**)
13.	As per Handling Rules 2000, the rejects should be disposed off at landfill sites. NMC official should take steps accordingly.	Complied.
14.	As suggested by MPCB, backlog of accumulated waste should be removed.	Complied.
15.	The compost plant should be operated at its full capacity.	Not complied as 35 mm & 16 mm rotary trommel screens were under repair and processing is stopped totally for compost preparation at the time of visit in August 2005.
16.	Composting and sanitary disposal of solid waste in sanitary landfill need to have appropriate management of waste and strict monitoring of scheduled turning frequency of waste in windrows. Provision of visual signage system to be made.	Not implemented. How--ever, windrow turning obeserved using poclain (**Annexure VI**)
17.	Adequate application of sani--tizers for removal of flies.	Odour/smell still persists at compost plant. Odour causing parameters such as ammonia, hydrogen sulphide etc. still persist in the ambient air. The analysis results (**Annexure VII**) through MPCB approved agency indicate that ammonia and sulphur dioxide gases do not exceed the acceptable levels for ambient air quality at the processing unit and landfill site. However, monitoring of

		hydrogen sulphide gas which is also contributing odour, has not been done.
18.	Height of windrows need be reduced from 4-4.5 m to 2.00 m to prevent developing anaerobic condition in windrows.	Not complied.
19.	Recirculation of leachate water for irrigating windrows should be stopped to minimize leachate generation and odour problem.	Complied.
20.	Height of wall of leachate sump well be raised to avoid floating matter entering into well.	Partly complied. Screen provided over top of the well (**Annexure VIII** which could prevent floating matter entering into well.
21.	The filled-up 3 cells of the sanitary landfill (SLF) should be suitably covered.	Not complied.
22.	Leachate collection system should be provided all around the cells 1, 2 & 3 at SLF.	Not complied. Presently the site has been closed & adjacent land is used for disposal of waste in unplanned manner.
23.	Unregulated waste dumping at south of dump site creating unhygienic conditions was discontinued forthwith.	Complied. The waste is now disposed of in the existing landfill

---

Recommendations

Nashik Municipal Corporation is required to implement all the recommendations of NEERI CPCB and MPCB without further delay.

2. We issue the following directions to the Municipal Corporation of Nashik:

(i) As regards provision of trenches around existing sanitary landfill site for leachate collection, time upto 31st March, 2006, is given for compliance. In respect of leachate collection and treatment at compost plant, we direct the Corporation to install leachate treatment plant as early as possible and in no case later than 31st August, 2006.

(ii) As regards odour/smell/flies, further steps need to be taken by the Corporation to minimize the same and the Corporation shall henceforth ensure that odour at the compost plant site is at the minimum possible level.

(iii) The Corporation shall adequately cover windrows by constructing sheds and/or with soil/rejects of 1"-2" size by 31st March, 2006.

(iv) The leachate samples showing very high BOD (23500 mg/l), COD (36902 mg/l), TDS (25,518 mg/l) requires treatment before disposal in sewer line and we direct the Corporation to make necessary arrangement in that regard as early as possible and in no

case later than 31st August, 2006.

(v) The Corporation shall fully comply with the recommendation made by NEERI in respect of height of wall of leachate sump well to avoid floating matter entering into the well by 31st March, 2006.

(vi) The uncovered sanitary landfill (SLF) shall be suitably covered as early as possible and in no case later than 31st August 2006.

(vii) The recommendations made by NEERI for providing leachate collection system all around the cells 1, 2 & 3 at SLR shall be complied with by 31st August, 2006.

(viii) The recommendations made by NEERI at Sr.No.10 and 11 which, in the opinion of NEERI, has not been complied with is also directed to be complied with by the Corporation.

3. We record the statement of the learned counsel for the Corporation that the general recommendations set out at Sr.No.2, 15, 16, 17 and 18 have been complied

with.

4. We observe that in case of non compliance of any of the aforesaid directions, the Commissioner of Nashik Municipal Corporation shall be held personally responsible and, if necessary, the Court may have to initiate action against the Nashik Municipal Corporation and its Commissioner.

5. The Nashik Municipal Corporation is directed to submit the Report about the compliance of the aforesaid directions by 11th September, 2006.

6. The Writ Petition (PIL) is disposed of.

7. However, the petitioners shall be at liberty to apply for further orders if the aforesaid directions remain not complied with by respondent No.1.

Sd/-
[R.M. LODHA, J.]

Sd/-
[ANOOP V. MOHTA, J.]

[srpasha@hc]